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<u>IN THE UNITED STATES PATENT & TRADEMARK OFFICE</u>

IN RE APPLICATION OF	:
KATSUSHI FUJII, ET AL.	: EXAMINER: HUYNH, B.
SERIAL NO: 10/067,304	:
FILED: FEBRUARY 7, 2002	: GROUP ART UNIT: 2179
FOR: INFORMATION PROCESSING APPARATUS, INFORMATION PROCESSING METHOD, RECORDING MEDIUM, AND PROGRAM	:

<u>APPEAL BRIEF</u>

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is an appeal from the decision of the Examiner dated March 26, 2009 which finally rejected Claims 1-14 in the above-identified patent application. A Notice of Appeal was timely filed on June 26, 2009.

I. <u>REAL PARTY-IN-INTEREST</u>

The real party-in-interest is Sony Corporation.

II. <u>RELATED APPEALS AND INTERFERENCES</u>

U.S. Patent Application Nos. 10/067,350 and 10/067,310 are also under appeal and include similar issues as the present appeal.

III. STATUS OF CLAIMS

Claims 1-14 have been finally rejected and form the basis for this appeal. Appendix VIII includes a clean copy of Claims 1-14.

IV. STATUS OF AMENDMENTS

No amendment after final rejection has been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1 is directed to an information processing server managing a first service of distributing contents and a second service of providing a group chat room. The contents are provided to the server by a first terminal. The contents are distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals requesting the use of the first service and the use of the second service. The server includes an acquiring unit, a generation unit, a providing unit, and a viewer counting unit. The acquiring unit is configured to acquire reservation information, sent by the first terminal to the information processing server, from a reservation data base in order to provide the first service to the plurality of second terminals. (Live casting server 7, page 25, line 1 to page 27, line 21 and Figure 10) The plurality of second terminals receives a distribution notice in accordance with a corresponding second terminal address of the reservation from the information processing server. The a distribution notice includes authentication data, an electronic mail address of a user of the first terminal, and an Internet webpage address of the user of the first terminal. (Live casting server 7, page 38, line 12 to page 39, line 6 and Figure 21) The generation unit is configured to generate a group chat room corresponding to the reservation at a predetermined time prior to a distribution start time designated by the reservation. (Communication server 6, page 9, lines 20-25) The

providing unit is configured to provide the group chat room to the first terminal and the plurality of second terminals coincident with the first service. The plurality of second terminals access the group chat room and first service in accordance with authentication data of the received distribution notice upon a first contact with the server. (Communication server 6, page 38, line 16 to page 41, line 10.) The viewer counting unit is configured to count a number of viewers of contents distributed by the user of the first terminal and to display the number of viewers. (Live casting server 7, page 30, lines 10-17 and page 31, lines 9-16, and Figure 15)

Independent Claim 3 is directed to an information processing method for an information processing server managing a first service of distributing contents and a second service of providing a group chat room. The contents are provided to the server by a first terminal. The contents are distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals requesting the use of the first service and the use of the second service. The method includes acquiring reservation information, sent by the first terminal to the information processing server, from a reservation data base in order to provide the first service to the plurality of second terminals, the plurality of second terminals receiving a distribution notice in accordance with a corresponding second terminal address of the reservation from the information processing server, the distribution notice including authentication data, an electronic mail address of a user of the first terminal, and an Internet webpage address of the user of the first terminal (page 25, line 1 to page 27, line 21); generating the group chat room corresponding to a group reservation at a predetermined time prior to a distribution start time designated by the reservation (page 9, lines 20-25); providing the group chat room to the first terminal and the plurality of second terminals coincident with the first service, the plurality of second terminals accessing the group chat room and first service in accordance with authentication

data of the received distribution notice upon a first contact with the server (page 38, line 16 to page 41, line 10); counting a number of viewers of contents distributed by the user of the first terminal (page 31, lines 9-16, and Figure 15); and displaying the number of viewers (page 31, lines 9-16, and Figure 15).

Independent Claim 4 is directed to a computer readable storage medium storing a computer-readable program for an information processing server managing a first service of distributing contents and a second service of providing a group chat room. The contents are provided to the server by a first terminal. The contents are distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals requesting the use of the first service and the use of the second service. The program implements a method including acquiring reservation information, sent by the first terminal to the information processing server, from a reservation data base in order to provide the first service to the plurality of second terminals, the plurality of second terminals receiving a distribution notice in accordance with a corresponding second terminal address of the reservation from the information processing server, the distribution notice including authentication data, an electronic mail address of a user of the first terminal, and an Internet webpage address of the user of the first terminal (page 25, line 1 to page 27, line 21); generating the group chat room corresponding to a group reservation at a predetermined time prior to a distribution start time designated by the reservation (page 9, lines 20-25); providing the group chat room to the first terminal and the plurality of second terminals coincident with the first service, the plurality of second terminals accessing the group chat room and first service in accordance with authentication data of the received distribution notice upon a first contact with the server (page 38, line 16 to page 41, line 10); counting a number of viewers of contents distributed by the user of the first terminal (page 31, lines 9-16, and Figure 15); and displaying the number of viewers (page 31, lines 9-16, and Figure 15).

Independent Claim 5 is directed to a computer readable storage medium including computer program instructions to cause a computer to implement a method of managing a first service of distributing contents and a second service of providing a group chat room. The contents are provided to the server by a first terminal. The contents are distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals requesting the use of the first service and the use of the second service. The method includes acquiring reservation information, sent by the first terminal to the information processing server, from a reservation data base in order to provide the first service to the plurality of second terminals, the plurality of second terminals receiving a distribution notice in accordance with a corresponding second terminal address of the reservation from the information processing server, the distribution notice including authentication data, an electronic mail address of a user of the first terminal, and an Internet webpage address of the user of the first terminal (page 25, line 1 to page 27, line 21); generating the group chat room corresponding to a group reservation at a predetermined time prior to a distribution start time designated by the reservation (page 9, lines 20-25); providing the group chat room to the first terminal and the plurality of second terminals coincident with the first service, the plurality of second terminals accessing the group chat room and first service in accordance with authentication data of the received distribution notice upon a first contact with the server (page 38, line 16 to page 41, line 10); counting a number of viewers of contents distributed by the user of the first terminal (page 31, lines 9-16, and Figure 15); and displaying the number of viewers (page 31, lines 9-16, and Figure 15).

Independent Claim 10 is directed to an information processing server managing a first service of distributing contents. The contents are provided to the server by a first terminal. The contents are distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals requesting the use of the

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first service. The server includes an acquiring unit, a reservation providing unit, a content

distribution unit, and a viewer counting unit. The acquiring unit is configured to acquire

reservation information sent by the first terminal to the information processing server. The

reservation information includes an Internet webpage address of the user of the first terminal.

(Live casting server 7, page 25, line 1 to page 27, line 21 and Figure 10) The reservation

providing unit is configured to provide the reservation information to the plurality of second

terminals. (Live casting server 7, page 36, lines 16-20) The contents distribution unit is

configured to distribute the contents to the plurality of second terminals. (Communication

server 6, page 38, line 16 to page 41, line 10.) The viewer counting unit is configured to

count a number of viewers of contents distributed by the user of the first terminal and to

display the number of viewers. (Live casting server 7, page 30, lines 10-17 and page 31,

lines 9-16, and Figure 15)

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The ground of rejection to be reviewed on appeal is whether Claims 1-14 are

unpatentable under 35 U.S.C. §103(a) over Dworkin (U.S. Patent Application Publication

No. 20020071540) in view of Dailey et al. (U.S. Patent No. 6,363,352, hereinafter "Dailey")

and further in view of Achacoso et al. (U.S. Patent Application Publication No.

20060090013, hereinafter "Achacoso").

VII. ARGUMENTS

Claim 1 recites:

An information processing server managing a first
service of distributing contents and a second service of
providing a group chat room, *the contents being provided to
the server by a first terminal, the contents being distributed by
the server in real time according to a reservation made in
advance by the first terminal*, and, to a plurality of second

terminals requesting the use of the first service and the use of
the second service, comprising:

an acquiring unit configured to acquire reservation
information, sent by the first terminal to the information
processing server, from a reservation data base in order to
provide the first service to the plurality of second terminals, the
plurality of second terminals receiving a distribution notice in
accordance with a corresponding second terminal address of
the reservation from the information processing server, the
distribution notice including authentication data, an electronic
mail address of a user of the first terminal, and an Internet
webpage address of the user of the first terminal;

a generation unit configured to generate a group chat
room corresponding to the reservation at a predetermined time
prior to a distribution start time designated by the reservation;

a providing unit configured to provide the group chat
room to the first terminal and the plurality of second terminals
coincident with the first service, the plurality of second
terminals accessing the group chat room and first service in
accordance with authentication data of the received distribution
notice upon a first contact with the server; and

*a viewer counting unit configured to count a number
of viewers of contents distributed by the user of the first
terminal and to display the number of viewers.*

The outstanding Office Action asserted that paragraphs 21 and 31 of Dworkin

implicitly describe "a viewer counting unit" as recited in Claim 1, and that column 14, lines

18-22 of Dailey also describe this feature.[1] However, it is respectfully submitted that neither

of these references implicitly or explicitly describe this feature. With regard to Dworkin,

paragraph 21 of Dworkin describes that "user tracking services" may be included in the

described system. There is no description of what "user tracking services" includes. These

user tracking services may only track the reservations for the conferences for billing

purposes. There is no teaching or suggestion that "user tracking services" includes counting

all of the viewers of content distributed by a single particular user and displaying the number

of viewers who have viewed that user's content. Paragraph 31 of Dworkin describes that

users can be tracked to determine if they are online, and "usage tracking and billing" can be

provided. Again, there is no teaching or suggestion that either of these features includes

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[1]See the outstanding Office Action at page 4.

counting all of the viewers of content distributed by a single particular user and displaying the number of viewers who have viewed that user's content. Moreover, in the context of a business conferencing system, there is no suggestion or motivation to create such a feature, as it is unclear why a user would want to know the total number of people that have viewed all of the conferences set up by a particular person.

The Advisory Action dated June 16, 2009 asserted that "Usage information refers to the use of resources provided by conference service which include any 'content' provided by the service." However, no basis in the reference for this conclusion was provided. "Usage tracking and billing" is only mentioned once in Dworkin, and that is in paragraph 31 where this phrase is not defined. Accordingly, it is respectfully submitted that Dworkin does not explicitly or inherently teach or suggest "a viewer counting unit" as recited in Claim 1.

With regard to Dailey, column 14, lines 18-22 of Dailey describes that a list of people who have agreed to attend a future meeting can be provided. However, none of those people have actually attended the meeting, and thus they have not viewed any content distributed by a server in real time according to a reservation made in advance by a first terminal. Thus, none of these people would be included in a count of a number of viewers of *contents distributed by the user of the first terminal*. Accordingly, it is respectfully submitted that Dailey also does not teach or suggest "a viewer counting unit" as recited in Claim 1.

If the outstanding Office Action is asserting that Dworkin or Dailey inherently teaches this feature, it is respectfully noted that a proper inherency rejection must provide evidence or reasoning why the allegedly inherent feature is *necessarily* included in the cited reference. It is respectfully submitted that the claimed feature "a viewer counting unit" is not *necessarily* included in any of the cited references, and no evidence or reasoning proving that this feature is necessarily included in any of the cited references has been provided.

Accordingly, the proposed combination does not teach or suggest "a viewer counting unit" as defined in Claim 1. Consequently, Claim 1 (and Claims 2 and 6 dependent therefrom) is patentable over <u>Dworkin</u> in view of <u>Dailey</u> and <u>Achacoso</u>.

Claim 10 also recites in part "a viewer counting unit configured to count a number of viewers of contents distributed by the user of the first terminal and to display the number of viewers." Accordingly, Claim 10 (and Claims 11-14 dependent therefrom) is patentable over <u>Dworkin</u> in view of <u>Dailey</u> and <u>Achacoso</u> for at least the reasons described above with respect to Claim 1.

Claims 3-5 recite in part:

> counting a number of viewers of contents distributed by the user of the first terminal; and
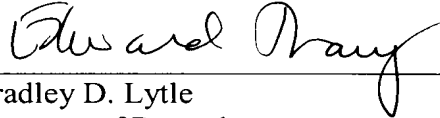> displaying the number of viewers.

As noted above, there is no teaching or suggestion that "user tracking services" mentioned in paragraph 21 of <u>Dworkin</u> includes counting all of the viewers of content distributed by a single particular user and displaying the number of viewers who have viewed that user's content. Further, there is no teaching or suggestion that "usage tracking and billing" mentioned in paragraph 31 of <u>Dworkin</u> includes counting all of the viewers of content distributed by a single particular user and displaying the number of viewers who have viewed that user's content. Finally, as none of those people in the list of attendees of a future meeting described at column 14, lines 18-22 of <u>Dailey</u> have actually attended the meeting, they cannot have viewed any content distributed by a server in real time according to a reservation made in advance by a first terminal. Thus, a count of these people would *not* be counting of a number of viewers of *contents distributed by the user of the first terminal*. Consequently, Claims 3-5 (and Claims 7-9 dependent therefrom) are also patentable over <u>Dworkin</u> in view of <u>Dailey</u> and <u>Achacoso</u>.

Conclusion

It is respectfully requested that the outstanding rejections be REVERSED.

Respectfully submitted,

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VIII. <u>CLAIMS APPENDIX</u>

Claim 1: An information processing server managing a first service of distributing contents and a second service of providing a group chat room, the contents being provided to the server by a first terminal, the contents being distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals requesting the use of the first service and the use of the second service, comprising:

an acquiring unit configured to acquire reservation information, sent by the first terminal to the information processing server, from a reservation data base in order to provide the first service to the plurality of second terminals, the plurality of second terminals receiving a distribution notice in accordance with a corresponding second terminal address of the reservation from the information processing server, the distribution notice including authentication data, an electronic mail address of a user of the first terminal, and an Internet webpage address of the user of the first terminal;

a generation unit configured to generate a group chat room corresponding to the reservation at a predetermined time prior to a distribution start time designated by the reservation;

a providing unit configured to provide the group chat room to the first terminal and the plurality of second terminals coincident with the first service, the plurality of second terminals accessing the group chat room and first service in accordance with authentication data of the received distribution notice upon a first contact with the server; and

a viewer counting unit configured to count a number of viewers of contents distributed by the user of the first terminal and to display the number of viewers.

Claim 2: An information processing server according to Claim 1,

wherein the generation unit deletes the group chat room a predetermined time after a

distribution end time.

Claim 3: An information processing method for an information processing server managing a first service of distributing contents and a second service of providing a group chat room, the contents being provided to the server by a first terminal, the contents being distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals requesting the use of the first service and the use of the second service, comprising:

acquiring reservation information, sent by the first terminal to the information processing server, from a reservation data base in order to provide the first service to the plurality of second terminals, the plurality of second terminals receiving a distribution notice in accordance with a corresponding second terminal address of the reservation from the information processing server, the distribution notice including authentication data, an electronic mail address of a user of the first terminal, and an Internet webpage address of the user of the first terminal;

generating the group chat room corresponding to a group reservation at a predetermined time prior to a distribution start time designated by the reservation;

providing the group chat room to the first terminal and the plurality of second terminals coincident with the first service, the plurality of second terminals accessing the group chat room and first service in accordance with authentication data of the received distribution notice upon a first contact with the server;

counting a number of viewers of contents distributed by the user of the first terminal; and

displaying the number of viewers.

Claim 4: A computer readable storage medium storing a computer-readable program for an information processing server managing a first service of distributing contents and a second service of providing a group chat room, the contents being provided to the server by a first terminal, the contents being distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals requesting the use of the first service and the use of the second service, comprising:

acquiring reservation information, sent by the first terminal to the information processing server from a reservation data base in order to provide the first service to the plurality of second terminals, the plurality of second terminals receiving a distribution notice in accordance with a corresponding second terminal address of the reservation from the information processing server, the distribution notice including authentication data, an electronic mail address of a user of the first terminal, and an Internet webpage address of the user of the first terminal;

generating the group chat room corresponding to a group reservation at a predetermined time prior to a distribution start time designated by the reservation;

providing the group chat room to the first terminal and the plurality of second terminals coincident with the first service, the plurality of second terminals accessing the group chat room and first service in accordance with authentication data of the received distribution notice upon a first contact with the server;

counting a number of viewers of contents distributed by the user of the first terminal; and

displaying the number of viewers.

Claim 5: A computer readable storage medium including computer program instructions to cause a computer to implement a method of managing a first service of

distributing contents and a second service of providing a group chat room, the contents being

provided to the server by a first terminal, the contents being distributed by the server in real

time according to a reservation made in advance by the first terminal, and, to a plurality of

second terminals requesting the use of the first service and the use of the second service,

comprising:

acquiring reservation information, sent by the first terminal to the information

processing server, from a reservation data base in order to provide the first service to the

plurality of second terminals, the plurality of second terminals receiving a distribution notice

in accordance with a corresponding second terminal address of the reservation from the

information processing server, the distribution notice including authentication data, an

electronic mail address of a user of the first terminal, and an Internet webpage address of the

user of the first terminal;

generating the group chat room corresponding to a group reservation at a

predetermined time prior to a distribution start time designated by the reservation;

recording the chat conducted in the chat room during the distribution of contents by

participating terminals in association with a reservation of the first terminal;

providing the group chat room to the first terminal and the plurality of second

terminals coincident with the first service, the plurality of second terminals accessing the

group chat room and first service in accordance with authentication data of the received

distribution notice upon a first contact with the server;

counting a number of viewers of contents distributed by the user of the first terminal;

and

displaying the number of viewers.

Claim 6: The information processing server of claim 1, wherein the generation unit

records the chat conducted in the chat room in association with a reservation of the first

terminal whereby the chat conducted in the chat room is identified for forwarding to the first

terminal upon completion of the first service.

Claim 7: The information processing method of claim 3, further comprising:

recording the chat conducted in the chat room in association with a reservation of the

first terminal whereby the chat conducted in the chat room is identified for forwarding to the

first terminal upon completion of the first service.

Claim 8: The computer readable storage medium of claim 4, wherein the program

records the chat conducted in the chat room in association with a reservation of the first

terminal whereby the chat conducted in the chat room is identified for forwarding to the first

terminal upon completion of the first service.

Claim 9: The computer readable storage medium of claim 5, wherein the computer

program instructions cause the computer to record the chat conducted in the chat room in

association with a reservation of the first terminal whereby the chat conducted in the chat

room is identified for forwarding to the first terminal upon completion of the first service.

Claim 10: An information processing server managing a first service of distributing

contents, the contents being provided to the server by a first terminal, the contents being

distributed by the server in real time according to a reservation made in advance by the first

terminal, and, to a plurality of second terminals requesting the use of the first service,

comprising:

an acquiring unit configured to acquire reservation information sent by the first

terminal to the information processing server, the reservation information including an

Internet webpage address of the user of the first terminal;

a reservation providing unit configured to provide the reservation information to the

plurality of second terminals;

a contents distribution unit configured to distribute the contents to the plurality of

second terminals; and

a viewer counting unit configured to count a number of viewers of contents

distributed by the user of the first terminal and to display the number of viewers.

Claim 11: An information processing server recited in Claim 10, wherein the

reservation information further includes a genre of the contents.

Claim 12: An information processing server recited in Claim 10, wherein the

reservation information further includes a description of the contents.

Claim 13: An information processing server recited in Claim 10, wherein the

reservation information further includes a reservation date and a reservation time.

Claim 14: An information processing server recited in Claim 10, wherein the

reservation information further includes an electronic mail address of a user of the first

terminal.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.